



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON QUALCOMM INCORPORATED'S PETITION FOR WAIVER OF CERTAIN TERMS AND CONDITIONS OF ITS AUCTION DISCOUNT VOUCHER

Pleading Cycle Established

WT Docket No. 02-234

Comments Due: August 30, 2002

Reply Comments Due: September 9, 2002

On August 1, 2002, QUALCOMM Incorporated (QUALCOMM) filed a petition¹ seeking a waiver of certain terms and conditions of the Auction Discount Voucher (ADV) the Commission granted to QUALCOMM in June 2000.² Specifically, QUALCOMM requests that the Commission permit the ADV to be used for payment of *existing* auction debt, including installment payments, interest and fees, rather than future auction debt.

In its petition, QUALCOMM states that it presently holds an ADV worth approximately \$114,000,000, but that there has been very limited opportunity for QUALCOMM to use the ADV, which expires in June 2003.³ Qualcomm requests that the Commission waive the implicit requirement that the ADV be used in auctions taking place after June 8, 2000, and allow the ADV to be used to satisfy debt owed by licensees using CDMA technology in Auctions 5, 10, and 11.⁴ If the Commission were to grant this waiver, Qualcomm indicates that it will transfer the voucher to one or more of the licensees still owing installment payments to the FCC for use in retiring their existing debt.⁵ Qualcomm argues that the waiver would be in the public interest because it would allow for the use of the ADV to help sustain the

¹ In the Matter of QUALCOMM Incorporated Petition for Waiver of Auction Discount Voucher Terms and Conditions, *Petition of Qualcomm* (filed August 1, 2002) (*Qualcomm Waiver Petition*).

² For the specific terms and conditions applicable to the ADV see QUALCOMM Incorporated Petition for Declaratory Ruling Giving Effect to the Mandate of the District Columbia Circuit Court of Appeals, *Order*, 16 FCC Rcd 4042 (2000) (*ADV Order*).

³ *Qualcomm Waiver Petition* at 4-7.

⁴ *Qualcomm Waiver Petition* at 9, 11.

⁵ *Qualcomm Waiver Petition* at 11-12.

viability of one or more designated entities.⁶ Qualcomm asserts that grant of the requested waiver is not barred by law or policy.⁷

We seek comments on all aspects of QUALCOMM's Petition. All comments should reference WT Docket No. 02-234. The petition and other pleadings will be incorporated into WT Docket No. 02-234.

Pursuant to Sections 1.925(c) of the Commission's rules,⁸ interested parties may file comments on or before August 30, 2002, and reply comments on or before September 9, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁹

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the filing to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic copy by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your email address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, Qualex International, Portals II, 445 12th Street S.W., CY-B402, Washington, D.C. 20554 (telephone 202-863-2893; facsimile 202-863-2898) or via e-mail at qualexint@aol.com. In addition, one copy of each submission must be

⁶ *Qualcomm Waiver Petition* at 12.

⁷ *Qualcomm Waiver Petition* at 13.

⁸ 47 C.F.R. §1.925(c).

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (1998).

filed with the Chief, Policy Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Washington, D.C. 20554. Documents filed in this proceeding will be available for public inspection during regular business hours in the Commission's Reference Information Center, 445 12th Street, S.W., Washington, D.C. 20554, and will be placed on the Commission's Internet site.

This proceeding will be governed by "permit-but-disclose" *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.¹⁰ Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.¹¹ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. In addition, interested parties are to file any written *ex parte* presentations in this proceeding with the Commission's Secretary, Marlene H. Dortch, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554, and serve with three copies each: Wireless Telecommunications Bureau, Attn: Gregory Vadas, 445 12th Street, S.W., Washington, D.C. 20554. Parties shall also serve with one copy: Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893.

For further information, contact Gregory Vadas, Policy Division, Wireless Telecommunications Bureau, (202) 418-1310.

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¹⁰ 47 C.F.R. § 1.1206.

¹¹ See 47 C.F.R. § 1.1206(b)(2).